IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.15438 of 1997

Dated: 09-02-2007

Between:

Gram Panchayat, Rajeswarapuram,
Nelakondapalli Mandal,
Khammam District,
rep. by its Sarpanch,
Yerrabeni Narsaiah.

... Petitioner

and

1. The District Collector, (Panchayat Wing),
   Khammam and 3 others.

... Respondents

ORDER:

This writ petition is filed seeking *mandamus* declaring the action of the third respondent in issuing Proceedings No.Revision/97, dated

02-06-1997, as arbitrary and illegal and consequently set aside the

same.

2. It is the case of the petitioner that one M/s. The Palair Cooperative Sugars Ltd., have constructed its Sugar Factory at Rajeswarapuram, within the limits of petitioner Gram Panchayat and the said Factory has been paying tax to the petitioner Gram Panchayat for the last twenty five years. It is stated that the third respondent issued the impugned proceedings revising house tax payable by the Sugar Factory buildings by dividing the buildings of the Factory between the petitioner and the fourth respondent Gram Panchayats. It is further stated that the third respondent without issuing any notice to the petitioner, at the instance of local M.L.A., and M.P., made the aforesaid division, without any basis.

3. Heard learned counsel for the parties.

4. The dispute is with regard to payment of house tax between two Gram Panchayats i.e. the petitioner-Gram Panchayat and the fourth respondent-Gram Panchayat. A detailed counter affidavit is filed wherein it is stated that the buildings in question fall within the ambit of petitioner Gram Panchayat and fourth respondent Gram Panchayat is not entitled to any of the house tax of those buildings. In fact, Sri Ganta Rama Rao, learned counsel appearing for the fourth respondent Gram Panchayat could not dispute the said fact. Hence, this Court is of the view that this Court can issue a writ declaring the action of the third respondent in issuing Proceedings No.Revision/97, dated 02-06-1997, as arbitrary and illegal and consequently direct the petitioner to collect the said house tax from 1997.

5. Accordingly, the writ petition is allowed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.09-02-2007
GLV